

Public Notice

U.S. Army Corps of Engineers, Norfolk District

19 June 2009

CENAO-REG
NAO-2009-01264
09-V0523

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

APPLICANT

GS Stonehouse Green Land Sub, LLC
c/o Mr. Tom Page
4011 Westchase Boulevard, Suite 175
Raleigh, NC 27607

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in wetlands that are tributaries to Bird Swamp, off Fieldstone Parkway at the Stonehouse Subdivision in James City County, Virginia.

PROPOSED WORK AND PURPOSE: GS Stonehouse Green Land Sub, LLC proposes to construct residential properties within Landbay 3 and Tract 12 at the Stonehouse subdivision off Route 30 in James City County, Virginia. The project will include the installation of two gravity sewer lines, which will impact approximately 0.12 acres of forested wetlands through the conversion of forested wetlands to emergent wetlands and temporarily impact 0.03 acres of forested wetlands and 74 linear feet of stream during the construction. In addition, the construction of a stormwater BMP outfall will result in permanent impacts to 0.03 acres of forested wetlands. The conversion impacts to 0.12 acres of forested wetlands will be compensated at a 1:1 ratio through the purchase of 0.12 credits and the permanent impacts to 0.03 acres of forested wetlands will be mitigated at a 2:1 ratio through the purchase of 0.06 credits. The applicant intends to purchase a total of 0.18 credits from the New Kent Environmental Bank, which is an approved mitigation bank that services the area where the impacts will occur.

In addition to the required Department of the Army permit, the applicant will be required to obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be

based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The waters downstream of the project may potentially contain Essential Fish Habitat (EFH) for the life stages of several species; however, the project site is upstream of Richardson's Millpond and we do not anticipate any impacts to essential fish habitat. The proposed project is described in Proposed Work and Purpose, above. No areas with submerged aquatic vegetation (SAV) are present on the site. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH; however, based on comments from the

National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on July 20, 2009.

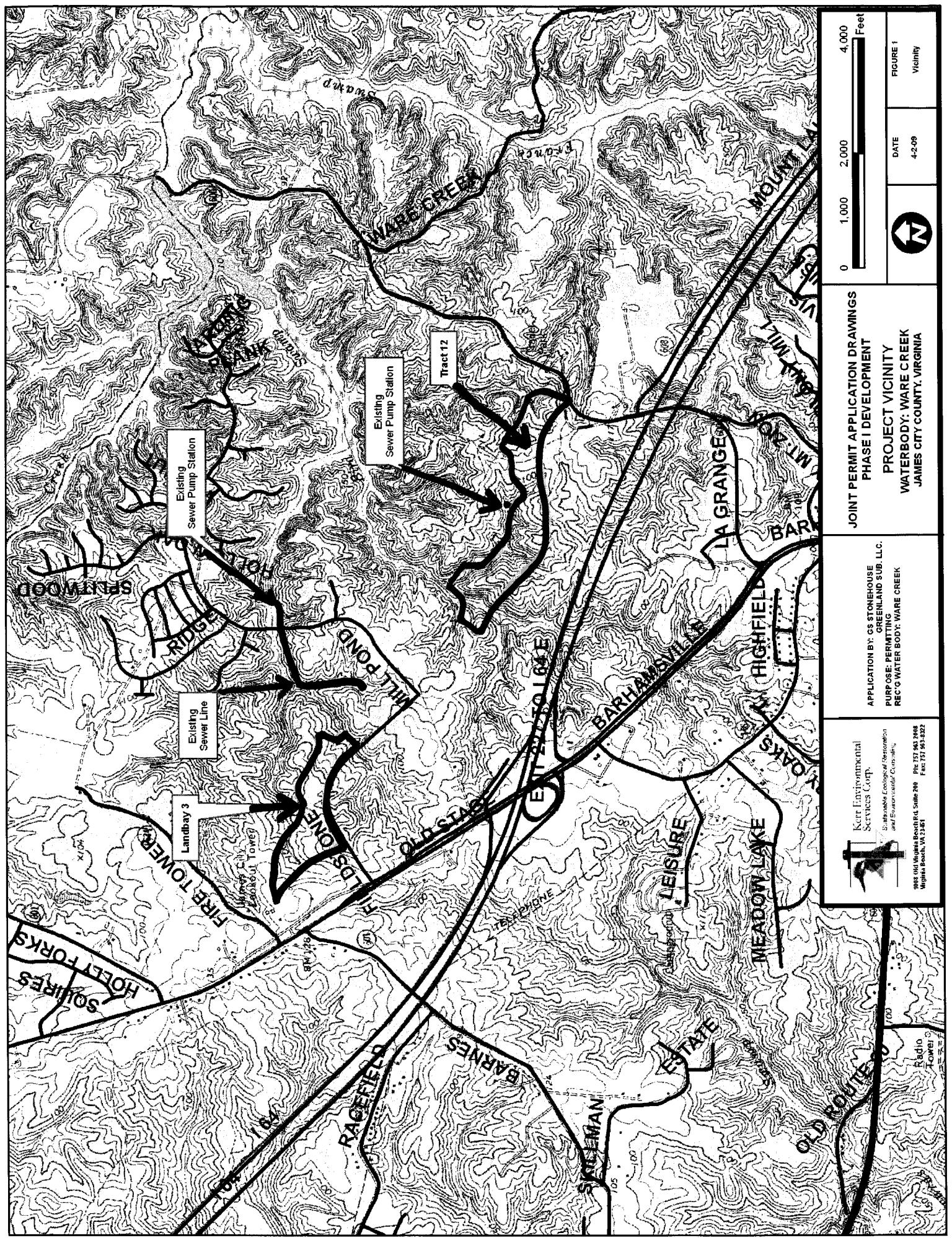
If you have any questions about this project or the permit process, please call:

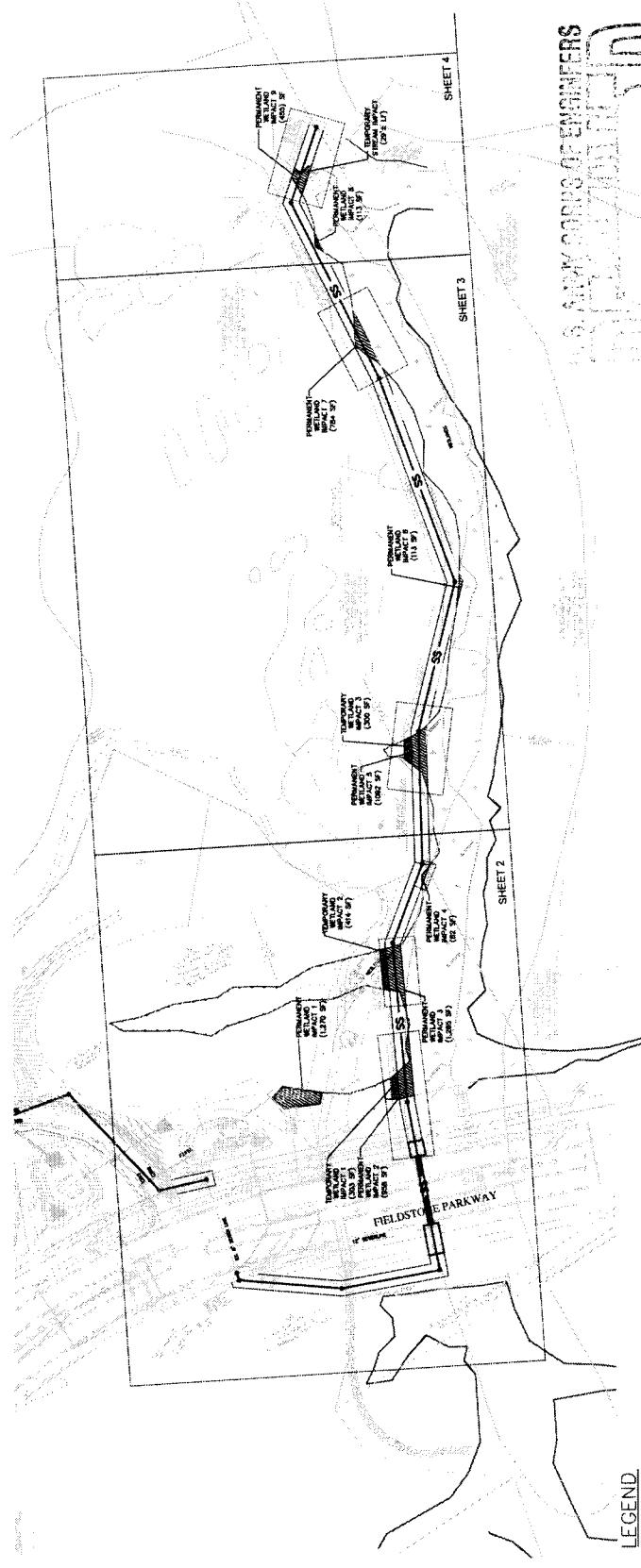
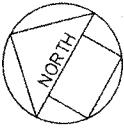
Melissa Nash (757) 201-7489
melissa.a.nash@usace.army.mil

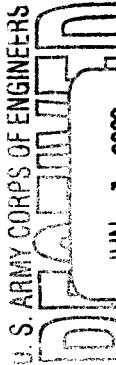
FOR THE DISTRICT COMMANDER:

Melissa A. Nash
fca Lynette R. Rhodes
Chief, Southern Virginia
Regulatory Section

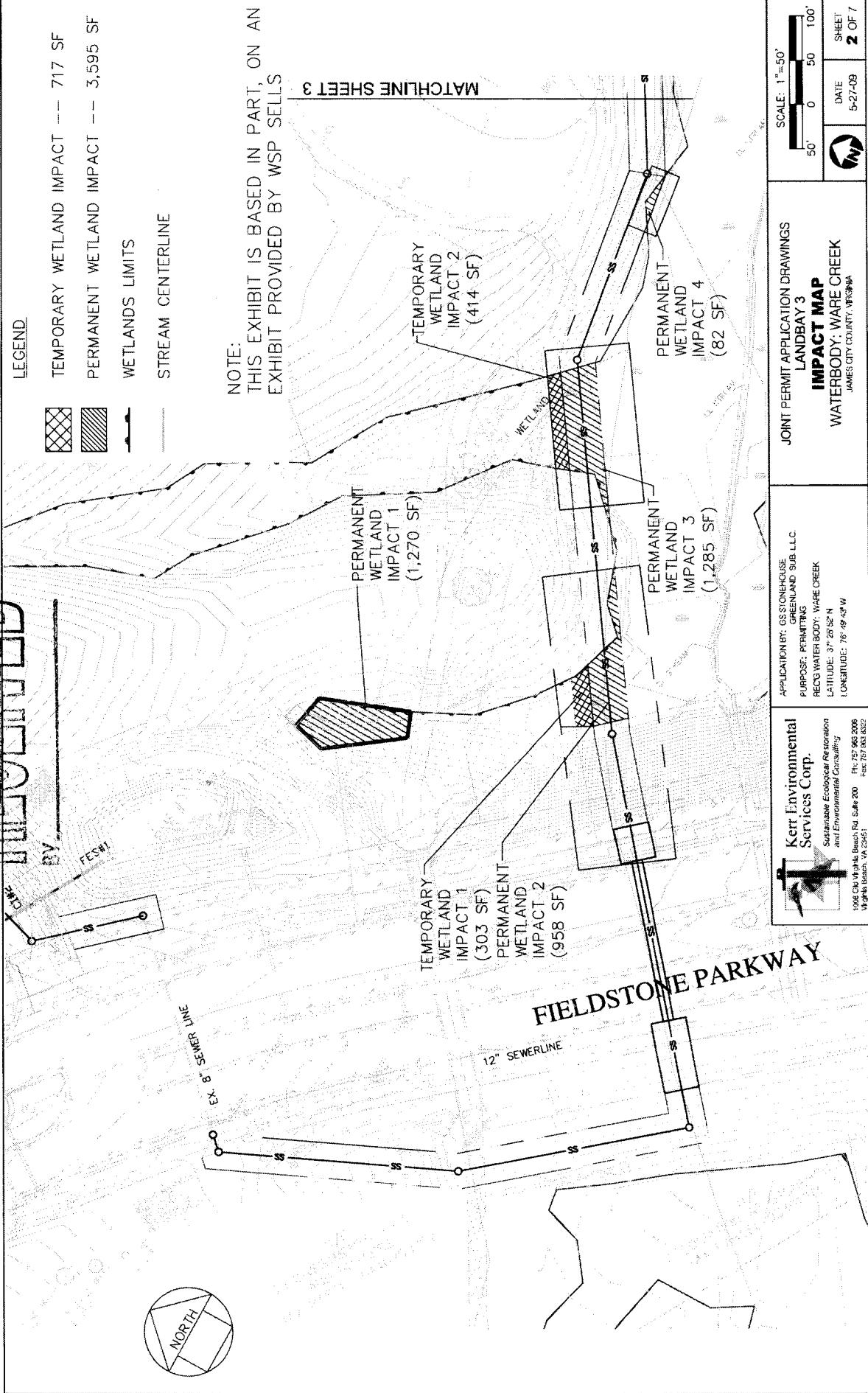
Attachment: Drawings







JUN 1 2009



LEGEND

-  TEMPORARY WETLAND IMPACT -- 300 SF
-  PERMANENT WETLAND IMPACT -- 1,989 SF
-  WETLANDS LIMITS
-  STREAM CENTERLINE

NOTE:
THIS EXHIBIT IS BASED IN PART, ON AN
EXHIBIT PROVIDED BY WSP SELLS
BY _____

MATCHLINE SHEET 2

PERMANENT
WETLAND
IMPACT 5
(1092 SF)

TEMPORARY
WETLAND
IMPACT 3
(300 SF)

PERMANENT
WETLAND
IMPACT 6
(113 SF)

PERMANENT
WETLAND
IMPACT 7
(784 SF)



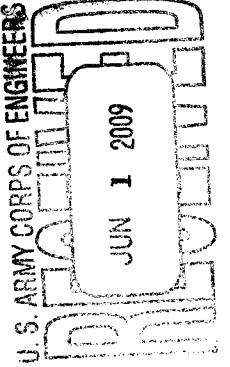
APPLICATION BY: GS STONEHOUSE
GREENLAND SUB LLC.
PURPOSE: PERMITTING
PECG WATER BODY: WARE CREEK
LATITUDE: 37° 25' 52" N
LONGITUDE: 76° 49' 42" W

JOINT PERMIT APPLICATION DRAWINGS
LANDBAY 3
IMPACT MAP
WATERBODY: WARE CREEK
JAMES CITY COUNTY, VIRGINIA
DATE: 5-27-09
SHEET 3 OF 7

SCALE: 1" = 50'
50' 0' 50' 100'



MATCHLINE SHEET 3



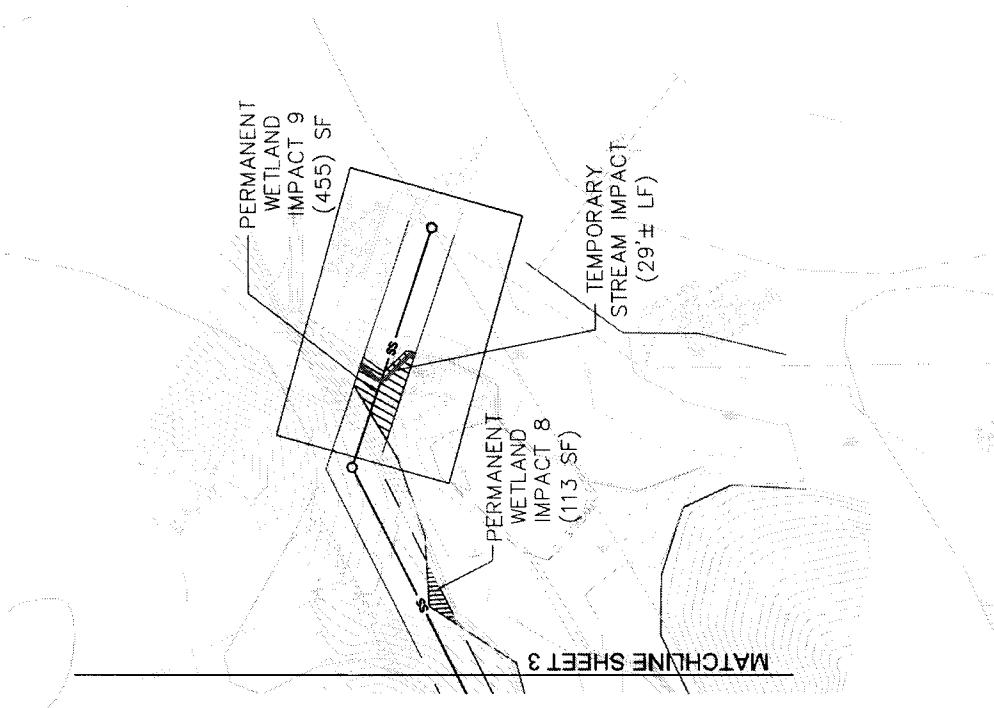
JUN 1 2009

BY _____

LEGEND

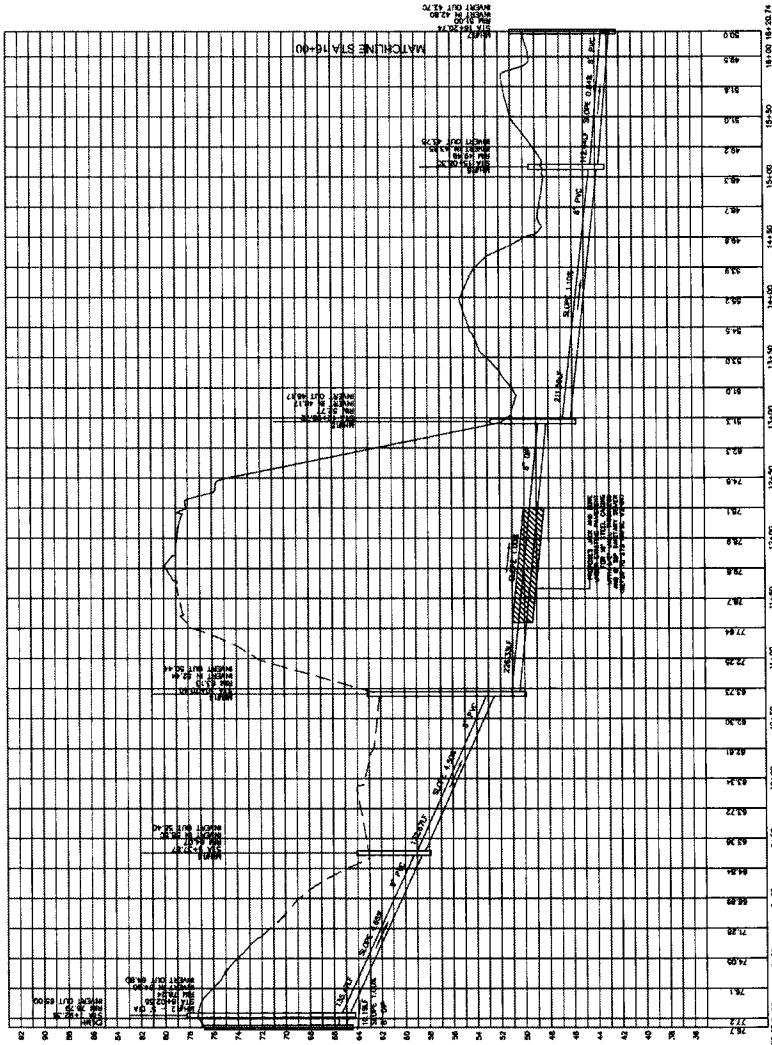
- PERMANENT WETLAND IMPACT -- 568 SF
- TEMPORARY STREAM IMPACT --- 29 LF
- WETLANDS LIMITS
- STREAM CENTERLINE

NOTE:
THIS EXHIBIT IS BASED IN PART, ON AN
EXHIBIT PROVIDED BY WSP SELLS

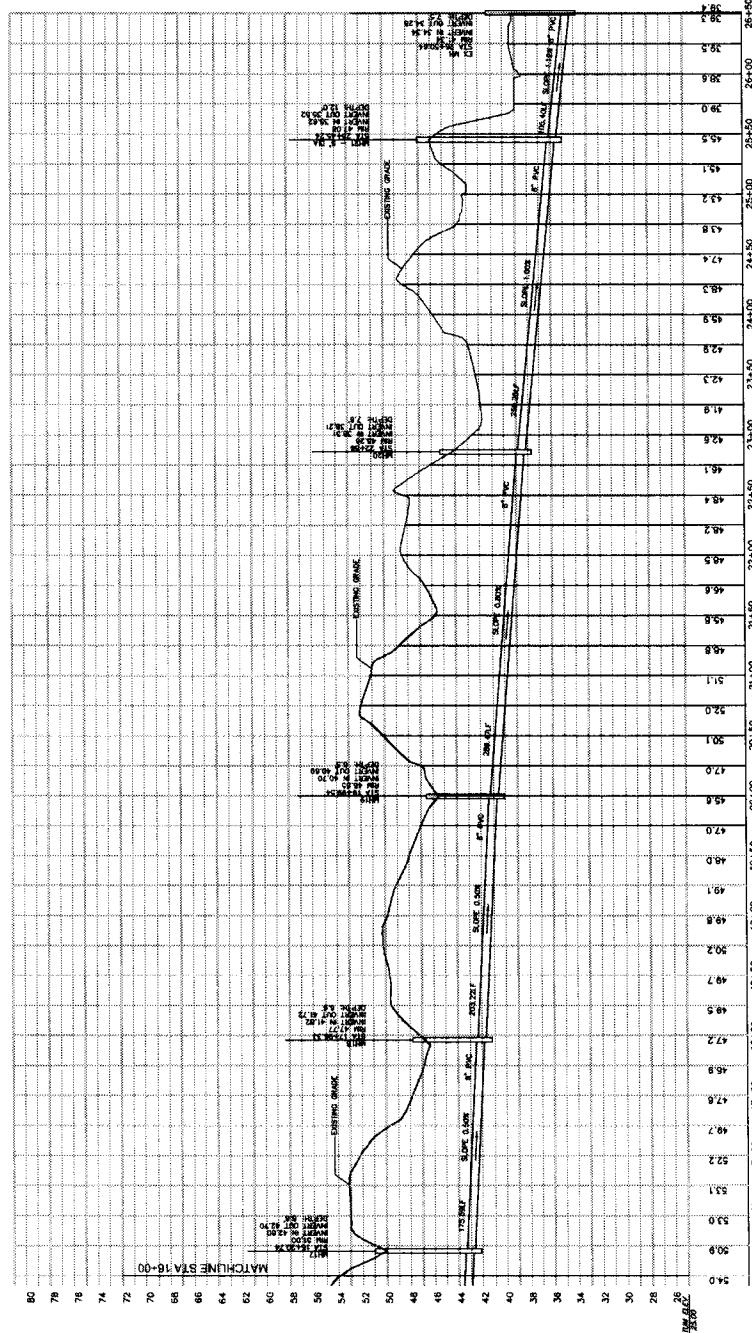
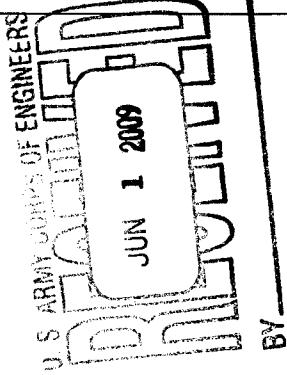


<p>Kerr Environmental Services Corp. Sustainable Ecological Restoration and Environmental Consulting 100 Old White Beach Rd, Suite 300, P.O. Box 965, 23061 Altamont, VA 24513</p>	APPLICATION #: GS STONEHOUSE PURPOSE: PERMITTING RECG: WATER BODY: WARE CREEK LATITUDE: 37° 25' 52" N LONGITUDE: 76° 49' 42" W	JOINT PERMIT APPLICATION DRAWINGS LANDBAY 3 IMPACT MAP	SCALE: 1"=50' 50' 0 50 100'
	WATERBODY: WARE CREEK JAMES CITY COUNTY, VIRGINIA		SHEET DATE 5-27-09 4 OF 7

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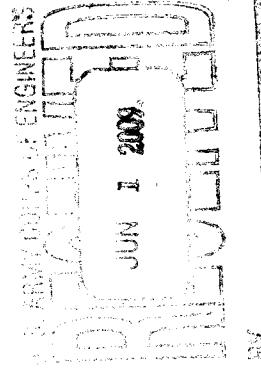
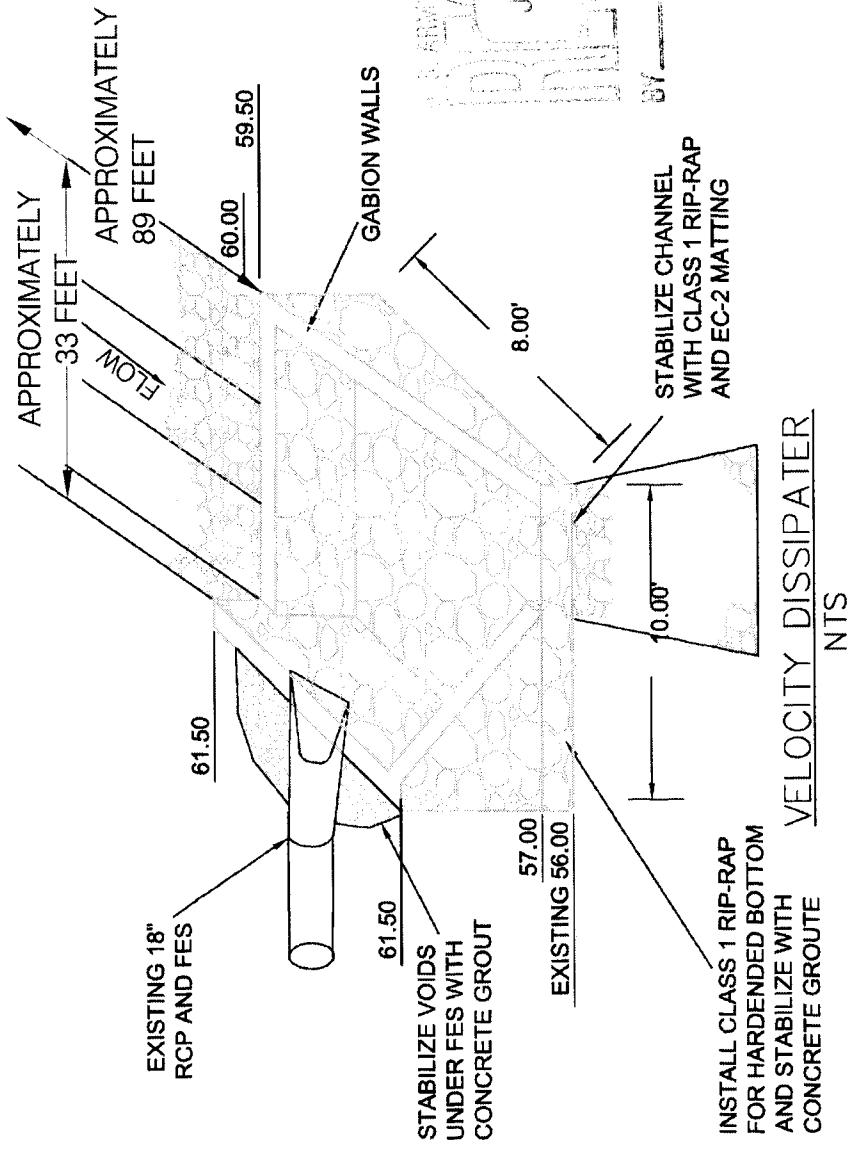


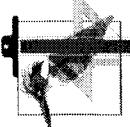
 <p>Ker Environmental Services Corp.</p> <p>Sustainable Ecological Restoration and Environmental Consulting</p> <p>1006 Clark Street, Suite 200 Vancouver, BC V6A 2S2 Tel: 604.542.2341</p>		<p>APPLICATION BY: GS STONEHOUSE GREENLAND SUB. LLC. PURPOSE: PERMITTING RECS/WATER BODY: WARE CREEK LATITUDE: 49° 29' 52" N LONGITUDE: 123° 49' 49" W</p>	<p>JOINT PERMIT APPLICATION DRAWINGS LANDBAY 3 SEWER PROFILE WATERBODY: WARE CREEK JAMES CITY, VICTORIA, BRITISH COLUMBIA</p>	 <p>SCALE: 1" = 100'</p> <p>100' 0 100 200</p>	<p>DATE: 5-27-09</p> <p> SHEET 1 OF 7</p>
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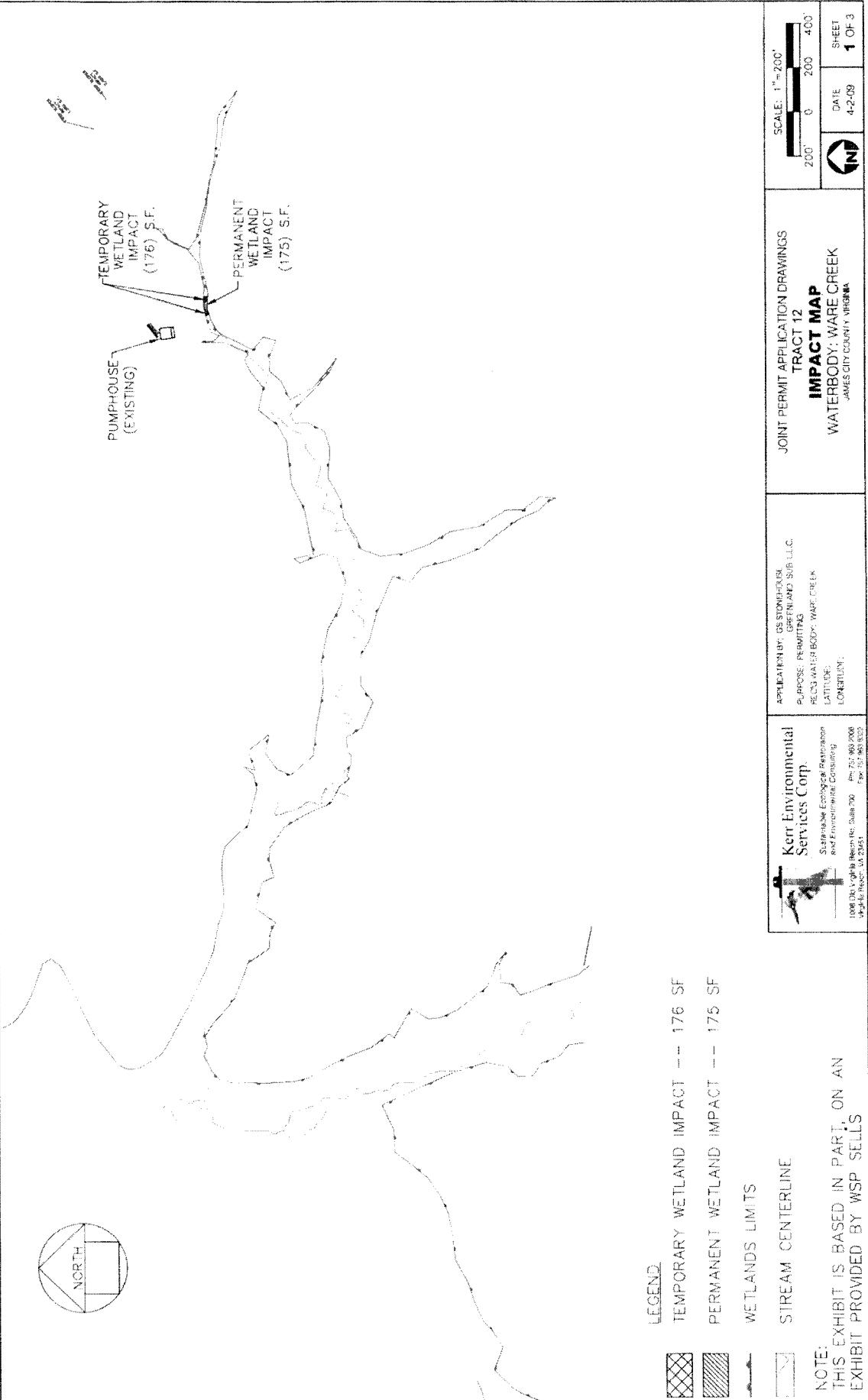


Kerr Environmental Services Corp.		JOINT PERMIT APPLICATION DRAWINGS	
APPLICATION BY: GS STONEHOUSE GREENLAND SUB LLC. PURPOSE: PERMITTING RECS/WATER BODY: WARE CREEK LATITUDE: 37° 28' 42" N LONGITUDE: 76° 49' 43" W		LANDBAY 3 SEWER PROFILE WATERBODY: WARE CREEK JAMES CITY COUNTY, VIRGINIA	
 SCALE: 1" = 100'		 DATE: 5-27-09 SHEET: 6 OF 7	

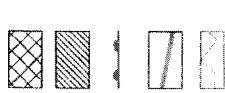
STABILIZE EMERGENCY SPILLWAY
WITH CONCRETE GROUT AT OUTLET



 <p>Kerr Environmental Services Corp.</p> <p>Sustainable Ecological Restoration and Environmental Consulting</p>	APPLICATION BY: GS STONEHOUSE GREENLAND SUB, L.L.C.		JOINT PERMIT APPLICATION DRAWINGS LANDBAY 3		NOT TO SCALE	
	PURPOSE: PERMITTING REC'D WATER BODY: WARE CREEK LATITUDE: 37° 25' 32" N LONGITUDE: 76° 49' 43" W	VELOCITY DISSIPATOR (TYPICAL)		WATERBODY: WARE CREEK JAMES CITY COUNTY, VIRGINIA	DATE 5-27-09	SHEET 7 OF 7



LEGEND



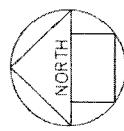
TEMPORARY WETLAND IMPACT -- 176 SF
PERMANENT WETLAND IMPACT -- 175 SF

WETLANDS LIMITS

TEMPORARY STREAM IMPACT--45 L.F.

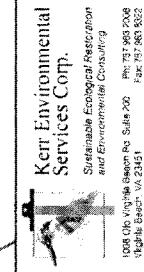
STREAM CENTERLINE

NOTE:
THIS EXHIBIT IS BASED IN PART, ON AN
EXHIBIT PROVIDED BY WSP SELLS



TEMPORARY
WETLAND
IMPACT

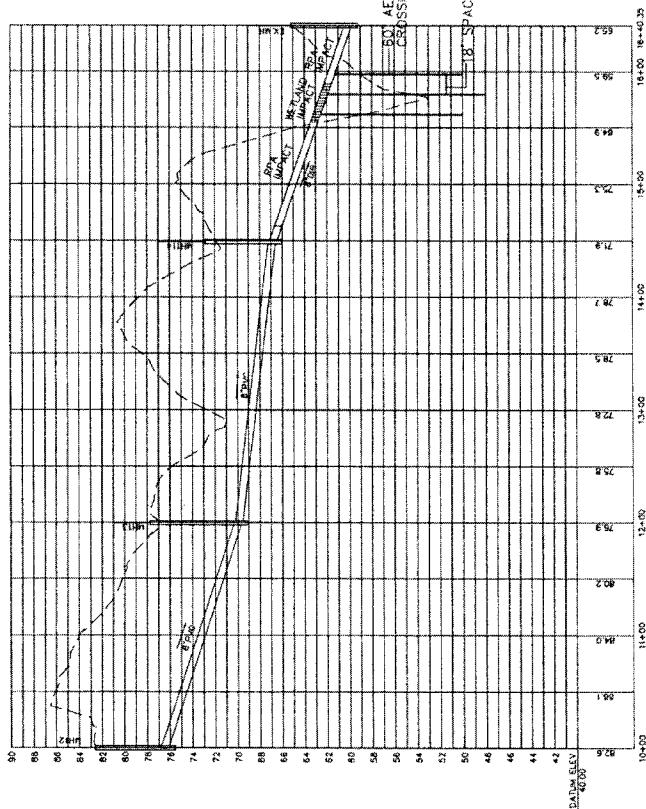
PERMANENT
WETLAND
IMPACT
(176) S.F.
WETLAND
IMPACT
(175) S.F.



APPLICATION BY: GS STONEHOUSE,
GREEN, AND SIR, LLC.
PURPOSE: PERMITTING
REG/WATER BODY: WARE CREEK
LATITUDE:
LONGITUDE:

JOINT PERMIT APPLICATION DRAWINGS
TRACT 12
IMPACT MAP
WATERBODY: WARE CREEK
JAMES CITY COUNTY, VIRGINIA

SCALE: 1"=50'
50' 0' 50' 100'
DATE: 4-2-09
SHEET 2 OF 3



Kerr Environmental Services Corp.		APPLICATION BY: GO STONEHOUSE, GREEN, AND SIR, LLC. PURPOSE: PERMITTING PEGS WATER BODY: WARE CREEK LATITUDE: 37° 25' 52" N LONGITUDE: 77° 43' 37" W		JOINT PERMIT APPLICATION DRAWINGS TRACT 12 OFF SITE SEWER PROFILE WATERBODY: WARE CREEK JAMES CITY COUNTY, VIRGINIA	
 <p>1080 Old Middlefield Rd., Suite 200 Wellesley Hills, MA 02481 (781) 235-1234</p>		 <p>1080 Old Middlefield Rd., Suite 200 Wellesley Hills, MA 02481 (781) 235-1234</p>		 <p>DATE: 4-2-09</p>	
		 <p>SCALE: 1" = 100'</p>		SHEET 3 OF 3	